



CITY COUNCIL OPERATIONS AGENDA

March 13, 2023 – 5:00 PM | Council Chamber, City Hall

- 1. Call Meeting to order:**
- 2. Approval of Minutes**
 - a. Regular Meeting: February 13, 2023
- 3. Public Comment** – (Limit to three minutes per person)
- 4. Old Business** (Public Comment period prior to each topic)
 - a. Review Title 7: Health & Welfare Changes – Jordan & Rob
- 5. New Business** (Public Comment period prior to each topic)
 - a. Review Title 8: Animals – Jordan & Rob
- 6. Staff or Committee Member Concerns or Comments:**
- 7. Announcement of the Next Meeting**
 - a. Monday, April 10, 2023, at 5:00PM
- 8. Adjournment**

City Council Operations Committee

City Code | Council Bylaws and Policy

Members

Rob Kersch (Chair) | Dick Bauman | Curt Fjelstad

City Council Operations

MINUTES

February 13, 2023, - 5:00PM | Council Chambers, City Hall

Members Present:	Rob Kersch, Dick Bauman, Curt Fjelstad
Members Absent:	None
Mayor:	Absent
CAO:	Jordan Green
Staff:	None
Public:	None

1. Call Meeting to Order:

- a. Chairman Kersch called the meeting to order at 5:01PM

2. Approval of Minutes:

- a. Regular Meeting: January 9, 2023
Member Bauman motioned to approve as presented. Chairman Kersch seconded the motion. 2 Ayes, 0 Nos, 1 Abstained.

3. Public Comment - Limit to three minutes per person.

- a. None.

4. Old Business

- a. Review Changes to Title 2 - Jordan
Completion review of Title 2 was made with changes noted by Jordan.

Chairman Kersch motioned to approve changes as noted and pending the determination of State Legislature of Juneteenth as a State Holiday. Member Fjelstad seconded the motion. 3 Ayes, 0 Nos. Motion passed.

5. New Business

- a. Review Title 7: Health & Welfare – Jordan & Rob

Review of Title 7 is being made as a concern from Council about Milwaukee clean up area concerning Wells. References in Title 7: Health & Welfare about animals is not in Title 8: Animals. Changes made to the following.

- i. 7.01.020 LIVESTOCK AND/OR POULTRY AS A NUISANCE & CHAPTER
- ii. 7.02: GARBAGE COLLECTION.
- iii. 7.04.020 RESTRICTED SITES AND TIME LIMITATION FOR RETAIL SALE AND USE OF FIREWORKS.

Member Kersch motioned to approve the changes as discussed and brought back for final review next month. Member Fjelstad seconded the motion. 3 Ayes, 0 Nos. Motion passed.

- b. Review Ordinance and Resolution Index – Jordan & Rob
No motion made, review of Ordinance and Resolution Index.

6. Staff or Committee Comments/Concerns:

- a. Member Bauman asked about the business use of the old YakYaks.

7. Announcement of Next Meeting:

- a. Monday, March 13, 2023, at 5:00PM

8. Adjournment:

- a. The meeting was adjourned at 6:18PM by consensus.

Prepared by: Cyndi Thompson, City Clerk

Rob Kersch, Chairperson

Date

**City Council Operations Committee
Members**

Rob Kersch (Chair) | Dick Bauman | Curt Fjelstad

TITLE 8: ANIMALS

Chapter

8.02. DOGS

8.04. ANIMAL CONTROL

CHAPTER 8.02: DOGS

Section

8.02.010 Definitions

8.02.020 Enforcement

8.02.025 Number of dogs

8.02.030 Licensing

8.02.040 Tag and collar

8.02.050 Restraint

8.02.060 Animal shelter

8.02.070 Impoundment and disposition

8.02.080 Redemption and destruction

8.02.090 Impoundment fees

8.02.100 Confinement of certain dogs

8.02.110 Rabies control

8.02.120 Reports of bite cases

8.02.130 Responsibilities of veterinarians

8.02.140 Exemptions

8.02.150 Dog census

8.02.160 Interference

8.02.170 Records

8.02.180 Barking dogs

8.02.181 Chasing vehicles

8.02.182 Animal waste; removal

8.02.190 Destruction of vicious dogs

8.02.200 Kennels prohibited

8.02.210 Teasing or unauthorized releasing of animals

8.02.220 Violations; penalty

§ 8.02.010 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL CONTROL DESIGNEE. Any designee of the Chief Administrative Officer, Mayor or Police Chief as all law enforcement officers as defined in state law, with all necessary police powers incident to the animal control authority.

ANIMAL SHELTER. Any premises provided by the city or other designated facility used to impound and temporarily care for dogs or other animals.

ANIMAL SHELTER ATTENDANT. A duly appointed and trained employee whose responsibility is to provide safe and humane shelter and provide food and water as necessary for animals kept in the city animal shelter.

AT LARGE. Off the premises of the owner and not on a leash or other restraint or properly controlled by the owner or responsible person.

DISPOSED OR DESTROYED IN A HUMANE MANNER. A lethal injection of pentobarbital sodium or an equivalent, administered by a veterinarian.

EXPOSED TO RABIES. A dog has been exposed to rabies if it has been bitten by any animal known to be or suspected of being infected with rabies or has come in contact with a rabid animal.

KENNEL. A building, enclosure, or portion of any premises in or at which dogs are boarded or kept for hire or for sale; in or at which dogs are kept or maintained by any person other than the owner thereof; or in or at which six or more dogs over the age of six months are kept or maintained.

OWNER. Any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal. If the OWNER is a juvenile, a parent or other custodian of such juvenile shall for the purposes of this chapter, be treated as the OWNER of the animal.

NEUTERING (CASTRATION). The surgical procedure during which both testicles are removed in order to sterilize (make infertile) a male animal, therefore stopping its ability to reproduce. The owner must be able to provide suitable proof of surgery.

RESTRAINT. Any dog controlled by a leash, at heel beside a competent person and obedient to that person's commands. Animals may be on or within a vehicle being driven or

parked on the streets, or within the property limit of its owner. Voice command is not an acceptable method of RESTRAINT.

SPAYED. The surgical procedure used to completely remove the ovaries and uterus in order to sterilize a female animal, therefore stopping its ability to reproduce. The owner must be able to provide suitable proof of surgery.

STRAY ANIMAL. Any animal at large, the owner of which cannot be ascertained.

(Prior Code, § 8.02.010) (Ord. 1, passed 1-17-1980; Ord. 79, passed 5-20-1996; Ord. 2019-8, passed 8-19-2019; Ord. 2021-12, passed 12-20-2021)

§ 8.02.020 ENFORCEMENT.

The provisions of this chapter shall be enforced by the animal control designee and law enforcement officers, or either of them, of the city.

(Prior Code, § 8.02.020) (Ord. 1, passed 1-17-1980)

§ 8.02.025 NUMBER OF DOGS.

(A) (1) It is unlawful for any person or family to keep, harbor or maintain more than two dogs over six months of age, in or upon any premises, without first obtaining an excessive dogs permit.

(2) A multi-family dwelling (where two or more families reside) shall not be allowed more than two dogs over the age of six months, because of the nuisance value.

(B) The excessive dogs permit allows the person or family to keep up to five dogs.

(C) An excessive dogs permit shall cost \$25 per year, on the same schedule as the regular dog licensing fees.

(D) Persons purchasing an excessive dogs permit will also be required to pay twice the normal licensing fee for each dog over two and up to five dogs.

(Prior Code, § 8.02.025) (Ord. 2019-8, passed 8-19-2019)

§ 8.02.030 LICENSING.

(A) No person shall own, keep or harbor any dog within the city limits, unless such dog is licensed as herein provided.

(1) Application for such license shall be made to the City Treasurer or such agent as shall be designated by the City Treasurer, which shall state the name and address of the owner and the name, breed, color, age, sex and intact/altered status of the dog.

(2) The license fee shall be paid at the time of making application, a numbered receipt given to the applicant and a numbered metallic tag shall be issued to the owner.

(3) The yearly license fee shall be set by resolution and is required for all dogs over the age of six months.

(4) The license fee shall be set such that the fee for an altered dog shall be less than the fee for an unaltered dog. In order to be eligible for the lesser fee, proof from a veterinary must accompany the application for license.

(5) (a) All dog licenses shall be issued for one year and will go into effect January 1 of that year.

(b) Any license issued for any dog for the year, immediately preceding, shall be valid to, but not including, March 1 of the current year.

(6) No application for a dog license shall be accepted until the applicant has produced satisfactory evidence that the dog for which the license is to be issued has been vaccinated for rabies with a strain of rabies vaccine certified to be effective for a two-year period. Rabies vaccine will be administered only by a licensed veterinarian.

(7) Any person licensing a dog on or after March 1 of any year shall pay a late fee set by resolution in addition to the ordinary license fee, unless such person can present evidence satisfactory to the City Treasurer that the animal being licensed has not been kept, held or owned within the city for a period in excess of one week immediately prior to the date on which application is made.

(B) In the event that a license tag issued for a dog shall be lost, the owner may obtain a duplicate tag upon payment of \$2 to the City Treasurer.

(C) If there is a change of ownership of a dog during the license year, the new owner shall purchase a current license transferred to his or her name upon application to the City Treasurer for one-half the original fee for that license year.

(D) (1) No person shall use for any dog, a license, receipt or license tag, or evidence of vaccination for rabies, issued for any other dog.

(2) Any person keeping any unlicensed dog or dogs contrary to §§ 8.02.025 and 8.02.030(A) shall be deemed guilty of a misdemeanor and shall, upon conviction therefore, be punished by a fine for each dog. This fine will be set by resolution.

(Prior Code, § 8.02.030) (Ord. 1, passed 1-17-1980; Ord. 96, passed 11-19-2001; Ord. 110, passed 1-1-2006; Ord. 2019-8, passed 8-19-2019)

§ 8.02.040 TAG AND COLLAR.

Every licensed dog shall at all times wear a choke chain, collar or harness to which is attached its license tag.

(Prior Code, § 8.02.040) (Ord. 1, passed 1-17-1980)

§ 8.02.050 RESTRAINT.

(A) Control required; penalty for violation. It is unlawful for any person, owner or party in control of any dog within the city limits to allow the same to be at large off the owner's property or other property where the dog is kept, and the owners or persons in control of any dog are required to keep all dogs securely confined upon privately-owned property, except that dogs may be allowed upon a street, alley or sidewalk when properly controlled by a competent person as defined in § 8.02.010. Upon conviction, the minimum fine for violation of this provision shall be set by resolution.

(B) Failure to have control; impoundment.

(1) Any dog not controlled or not securely confined upon privately-owned property may be taken and impounded by the animal warden, any of his or her assistants, or any law enforcement officer and the same may be impounded for the period otherwise provided in this chapter.

(2) Any dog impounded which is not claimed by the owner within the period prescribed in this chapter shall be disposed of by the animal warden as in other cases.

(Prior Code, § 8.02.050) (Ord. 1, passed 1-17-1980; Ord. 44, passed 4-18-1988; Ord. 59, passed 4-15-1991; Ord. 2019-8, passed 8-19-2019)

§ 8.02.060 ANIMAL SHELTER.

The city shall maintain a suitable shelter for the impounding of dogs, such shelter shall be so constructed that dogs of different sizes, sexes, licensed or unlicensed, and healthy and unhealthy dogs may be segregated, and shall be maintained in a safe and sanitary condition. Such shelter may either be constructed and operated by the city, or the city may enter into a contract with a veterinarian or other suitable person for the supplying and operation of the same. All animals confined in such shelter shall be regularly fed and watered and treated in a humane manner.

(Prior Code, § 8.02.060) (Ord. 1, passed 1-17-1980)

§ 8.02.070 IMPOUNDMENT AND DISPOSITION.

(A) All dogs found running at large may be taken up by the animal control designee and impounded in the animal shelter, and there confined in a humane manner for a period of up to ten days.

(1) Dogs impounded and not claimed by their owner at the expiration of ten days, after notice to the owner, if known, may be disposed of at the discretion of the said animal

control designee or police officer, except as hereinafter provided in the cases of certain dogs.

(2) When dogs are found running at large, and their ownership is known to the animal control designee, such dogs need not be impounded, but the animal control designee or police officer may, at his or her discretion, cite the owner of such dogs to appear in court to answer the charge or violation of this chapter.

(B) If any impounded dog or other animal is not redeemed within ten days after notice has been given to the owner, if known, or posted at the city hall if the name of the owner is not known, the owner thereof shall forfeit all right, title and interest therein.

(1) In the event that any impounded dog or other animal is not redeemed by the owner, it may be disposed of by the animal control designee or police officer in a humane manner.

(2) Any dog or other animal suffering from an infectious disease shall not be redeemed, but must be put to death, unless the public health officer shall otherwise order, or it may be given to any suitable and responsible person upon payment of the fees and charges set forth by resolution.

(Prior Code, § 8.02.070) (Ord. 1, passed 1-17-1980; Ord. 2019-8, passed 8-19-2019)

§ 8.02.080 REDEMPTION AND DESTRUCTION.

(A) The owner shall be entitled to redeem possession of any impounded dog, except as hereinafter provided in the cases of certain dogs, upon compliance with the license provisions contained in § 8.02.030 of this chapter and the payment of the fees and charges provided for in §§ 8.02.030 and 8.02.090 of this chapter. Any other animal impounded under the provisions of this chapter may be reclaimed by the owner upon the payment of the fees and charges provided for in §§ 8.02.025, 8.02.030 and 8.02.090 of this chapter.

(B) Any dog impounded under the provisions of this chapter and not reclaimed by its owner within ten days may be humanely destroyed by the animal control designee or placed in custody of some person deemed to be responsible or suitable person to be the owner of such animal; upon payment of fees and charges set forth in §§ 8.02.030 and 8.02.090 of this chapter.

(Prior Code, § 8.02.080) (Ord. 1, passed 1-17-1980; Ord. 2019-8, passed 8-19-2019)

§ 8.02.090 IMPOUNDMENT FEES.

(A) Any dog impounded under this chapter may be reclaimed by the owner upon payment to the city of an impounding fee and a daily boarding fee for each calendar day the dog is impounded, with such fees to be set periodically by the City Council.

(B) For purposes of this section, each calendar day begins at midnight and daily boarding fees will not be apportioned.

(Prior Code, § 8.02.090) (Ord. 1, passed 1-17-1980; Ord. 27, passed 8-1-1985; Ord. 123, passed 6-2-2008; Ord. 2019-8, passed 8-19-2019)

§ 8.02.100 CONFINEMENT OF CERTAIN DOGS.

(A) The owner shall confine within a building or secure enclosure, every fierce, dangerous or vicious dog and not take such dog out of such building or secure enclosure unless such dog is securely muzzled.

(B) Every female dog in heat shall be confined in a building or secure enclosure, or in a veterinarian hospital or boarding kennel, in such manner that such female dog cannot attract another animal, except for breeding purposes.

(Prior Code, § 8.02.100) (Ord. 1, passed 1-17-1980)

§ 8.02.110 RABIES CONTROL.

(A) Every animal which bites a person shall promptly be reported to the animal control designee and shall thereupon be securely quarantined at the direction of the animal control designee for a period of not less than 15 days and shall not be released from such quarantine, except by written permission of the animal control designee. Such quarantine may be on the premises of the owner, at the shelter designated as the city animal shelter, or at the owner's option if vaccinated for rabies as set forth in § 8.02.030(A) thereof, in the veterinary hospital of his or her choice, all at the expense of the owner. In the case of stray animals, or in the cases of animals whose ownership is not known, such quarantine shall be at the shelter designated as the city animal shelter.

(B) The owner upon demand made by the animal control designee or police officer or either of them, shall forthwith surrender any unvaccinated animal that has bitten a human, or which is suspected of having been exposed to rabies, for supervised quarantine which expense shall be borne by the owner, and may be reclaimed by the owner if adjudged free of rabies, as set forth in § 8.02.080 thereof, and upon compliance of licensing provisions set forth in § 8.02.030 thereof.

(C) When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, the animal control designee shall immediately send the head of such animal to a competent laboratory for pathological examination and shall notify the proper public health officer of reports of human contacts and the diagnosis made of the suspected animal.

(D) When one or both reports give a positive diagnosis of rabies, the animal control designee shall recommend a city-wide quarantine of a period of 30 days and upon the

invocation of such quarantine, no animals shall be taken into the streets or prelisted to be in the streets during such period of quarantine.

(E) Every unvaccinated animal bitten by an animal showing positive symptoms of rabies shall be forthwith destroyed, or shall at the owner's option and expense, be held not less than 15 days in quarantine, and thereafter in the discretion of the veterinarian said animal may be quarantined to a period not exceeding 90 days.

(F) In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended, in the interest of the public safety, for additional periods of 30 days, at the discretion of the animal control designee.

(G) No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or animal biting a human, except as herein provided, nor remove the same from the city limits without written permission from the animal control designee. The animal control designee shall direct the disposition of any animal found to be infected with rabies. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by the animal control designee.

(Prior Code, § 8.02.110) (Ord. 1, passed 1-17-1980; Ord. 2019-8, passed 8-19-2019)

§ 8.02.120 REPORTS OF BITE CASES.

It shall be the duty of every physician or other practitioner to report to the animal control designee the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

(Prior Code, § 8.02.120) (Ord. 1, passed 1-17-1980; Ord. 2019-8, passed 8-19-2019)

§ 8.02.130 RESPONSIBILITIES OF VETERINARIANS.

It shall be the duty of every licensed veterinarian to report to the animal control designee his or her diagnosis of any animal observed by him or her as a rabies suspect.

(Prior Code, § 8.02.130) (Ord. 1, passed 1-17-1980; Ord. 2019-8, passed 8-19-2019)

§ 8.02.140 EXEMPTIONS.

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this chapter, except where such duties are expressly stated. The licensing and vaccination requirements of this chapter shall not apply to any animal belonging to a non-resident of the city and kept within the city for not longer than 30 days, providing all such dogs shall at all times while in the city, be kept within a building, enclosure or vehicle, or be under restraint by the owner.

(Prior Code, § 8.02.140) (Ord. 1, passed 1-17-1980)

§ 8.02.150 DOG CENSUS.

At least once every two years, a complete census may be taken of all dogs in the city and anyone found to be harboring an unlicensed dog required to be licensed by the provisions of this chapter shall be required immediately to obtain a license for such dog or shall be cited into court to answer to charges of violation of this chapter.

(Prior Code, § 8.02.150) (Ord. 1, passed 1-17-1980)

§ 8.02.160 INTERFERENCE.

No person shall interfere with, hinder or molest the animal control designee or police officer or either of them in the performance of any duty of their office, or seek to release any animal in the custody of the animal control designee or police officer, except as herein provided.

(Prior Code, § 8.02.160) (Ord. 1, passed 1-17-1980; Ord. 2019-8, passed 8-19-2019)

§ 8.02.170 RECORDS.

It shall be the duty of the animal control designee or shelter attendant designee to keep or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into his or her custody.

(Prior Code, § 8.02.170) (Ord. 1, passed 1-17-1980; Ord. 2019-8, passed 8-19-2019)

§ 8.02.180 BARKING DOGS.

It is unlawful for any owner to allow any dog to stay about any premises occupied or controlled by him or her, which dog by loud and continuous barking, howling or yelping constitutes an annoyance or disturbance to the neighborhood. Any such dog creating such disturbance is declared to be a nuisance.

(Prior Code, § 8.02.180) (Ord. 1, passed 1-17-1980; Ord. 59, passed 4-15-1991; Ord. 78, passed 10-2-1995)

§ 8.02.181 CHASING VEHICLES.

It is unlawful for any owner keeping or harboring any dog or other animal to suffer or permit such dog to chase, run after or jump at vehicles lawfully using the public streets,

avenues, alleys and ways within the city and the same is declared to be a nuisance, and any such dog or animal may be seized and impounded.

(Prior Code, § 8.02.181) (Ord. 1, passed 1-17-1980; Ord. 59, passed 4-15-1991)

§ 8.02.182 ANIMAL WASTE; REMOVAL.

(A) The owner of an animal shall be responsible for the immediate removal of any excreta deposited by his or her animal on any public walk, recreation area or private property.

(B) It shall be unlawful for the owner to fail to dispose of the excreta in a sanitary manner.

(Prior Code, § 8.02.182) (Ord. 1, passed 1-17-1980; Ord. 59, passed 4-15-1991)

§ 8.02.190 DESTRUCTION OF VICIOUS DOGS.

(A) Whenever an affidavit shall be filed with the City Judge that any dog has bitten a person in the city and that the person so bitten was not at the time trespassing or injuring the person or property of the owner thereof or his or her family at the time, or has not unduly provoked such dog into such an attack, the City Judge shall issue an order in writing directing the owner of such dog to destroy such dog within 24 hours after receiving such order, unless there is reason to believe the animal was rabid, in which case the procedure in § 8.02.110 shall be followed. Such order shall be personally served upon such owner or possessor if he or she be known, and if unknown, shall be posted in one public place in said city for the same length of time. The owner of such dog may have a hearing upon the question of fact involved. After full hearing, the City Judge shall order that the dog be released to its owner or that it shall be destroyed.

(B) If, after 24 hours from the time of service or posting of such notice of service of the order, the owner of such dog has neither destroyed the same nor demanded a hearing upon the facts the animal control designee shall cause such dog to be destroyed.

(C) Upon the demand of the animal control designee, the owner of said dog shall catch and deliver the possession of such dog to the animal control designee or any police officer of the city authorized to take such possession. If the owner of said dog refuses to comply with such request or cannot be found or is unknown, the animal control designee shall make a reasonable effort to capture said animal, and if he or she is unable to do so without killing the animal, same shall be shot with a tranquilizer gun. The provisions of this chapter shall apply whether the dog in question is licensed or not.

(Prior Code, § 8.02.190) (Ord. 1, passed 1-17-1980; Ord. 2019-8, passed 8-19-2019)

§ 8.02.200 KENNELS PROHIBITED.

(A) No kennels shall be lawful within the corporate limits of the city, except for those established, licensed and operating immediately prior to the passage of this chapter on June 6, 1977.

(B) No residence shall keep, own or harbor more than two dogs over the age of six months without obtaining an excessive dogs permit, which allows up to five dogs over the age of six months.

(Prior Code, § 8.02.200) (Ord. 1, passed 1-17-1980; Ord. 2019-8, passed 8-19-2019)

§ 8.02.210 TEASING OR UNAUTHORIZED RELEASING OF ANIMALS.

It shall be unlawful for any person or persons to tease, harass or bother by any means, any dog which is upon the premises of the owner thereof. It shall further be unlawful for any person or persons to release any dog from the premises of the owner, or to in any manner or by any means lure such dog from the premises of the owner, or the property, vehicle, or enclosure in which such dog is contained.

(Prior Code, § 8.02.210) (Ord. 1, passed 1-17-1980)

§ 8.02.220 VIOLATIONS PENALTY.

Any violation of this chapter shall be a misdemeanor for which a court may impose the conditions set forth in the state laws, or such other conditions relating to the disposition of any animal as the court may determine, but in no event shall a fine exceed \$500, nor shall any imprisonment in any jail exceed six months.

(Prior Code, § 8.02.220) (Ord. 1, passed 1-17-1980)

CHAPTER 8.04: ANIMAL CONTROL

Section

8.04.004 Purpose

8.04.006 Definitions

8.04.010 Control of animals running at large; owner's duty

8.04.020 Stray animals a nuisance

8.04.030 Notice of impounding

8.04.040 Redemption of impounded animal

8.04.044 Disposition of unclaimed animals

8.04.050 Warning notices

8.04.054 Violation tickets

8.04.060 Obstructing animal control designee or shelter attendant in performance of duty

8.04.070 Animal control designee or shelter attendant to care for animals

8.04.080 Impoundment fees

8.04.090 Unlawful releasing of animals

8.04.095 Wild animals

8.04.100 Animals disturbing the peace

8.04.110 Violations; penalty

§ 8.04.004 PURPOSE.

This chapter sets forth controls on domestic animals.

(Prior Code, § 8.04.004) (Ord. 1, passed 1-17-1980; Ord. 124, passed 8-4-2004)

§ 8.04.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any living vertebrate, other than human beings, whether wild or domestic, including but not limited to, all livestock and any domestic pet.

ANIMAL CONTROL DESIGNEE. Any designee of the Chief Administrative Officer, Mayor or Police Chief as all law enforcement officers as defined in state law, with all necessary police powers incident to the animal control authority.

ANIMAL SHELTER. Any premises provided by the city or other designated facility used to impound and temporarily care for dogs or other animals.

AT LARGE. Off the premises of the owner and not on a leash or other restraint or properly controlled by the owner or responsible person.

CITY. The City of Deer Lodge, Montana, a municipality.

LEASH. Includes leashes, cords, rope, chains or other similar devices of suitable strength to hold an animal to which attached.

NUISANCE ANIMAL. Any animal that:

- (1) Damages or steals private or public property;

- (2) Destroys property or other animals;
- (3) Chases after persons (not trespassing on the property of or injuring or attempting to injure the person, family or property of the owner);
- (4) Chases any vehicles in public streets or right-of-ways;
- (5) Defecates on private land without permission of the land owner or is allowed to defecate on public land without the person in care of the animal cleaning up and disposing of the waste immediately in a proper receptacle;
- (6) Enters a public area where food is being served or consumed which is designated with signs which prohibit animals (excluding service animals);
- (7) Rummages through and/or scatters garbage or rubbish;
- (8) Runs at large;
- (9) Is in heat; a condition of readiness for mating in female animals; or
- (10) Causes annoyance or disturbance to any person by prolonged howling, barking or other animal noises, or by other means.

OWNER. Any person, firm, corporation, organization or department possessing harboring, keeping, having an interest in, or having control or custody of an animal. If the OWNER is a juvenile, a parent or other custodian of such juvenile shall for the purposes of this chapter, be treated as the OWNER of the animal.

PICKET. To tether an animal to a pointed stake set into the ground or otherwise tether an animal outside.

UNREDEEMED ANIMAL. An impounded dog or other animal that is not redeemed within ten days after it is taken and impounded.

VICIOUS ANIMAL. Any animal who:

- (1) Bites or attempts to bite any human being without provocation or which harasses, chases, bites or attempts to bite any other animal. The term ANIMAL includes all livestock and any domestic pet; or
- (2) Has ever been trained for fighting or has ever been owned, kept or harbored for the purpose of fighting.

WILD ANIMAL. Includes species of mammal, wild by nature, whether or not bred or reared in captivity, as distinguished from the common domestic animals.

(Prior Code, § 8.04.006) (Ord. 1, passed 1-17-1980; Ord. 124, passed 8-4-2004; Ord. 2019-8, passed 8-19-2019)

Statutory reference:

Vicious animal, see MCA § 7-23-2109

§ 8.04.010 CONTROL OF ANIMALS RUNNING AT LARGE; OWNER'S DUTY.

(A) Dogs must be licensed, impounded, redeemed, and/or destroyed and the like as provided in Chapter 8.02.

(B) The running at large, at any time, within the corporate limits of the city, of any animal is prohibited, as is allowing any animal to trespass upon the premises of another in the city. The herding of any animal (i.e., but not limited to, horses, cattle, swine, sheep, fowl and the like) on the streets or alleys of the city is prohibited. The picketing of any animal on the streets or alleys of the city is prohibited.

(C) Any animal found running at large, herded or picketed on the streets or alleys of the city shall be impounded and may be sold as provided in this chapter to pay fines, costs or damages which may be assessed under this chapter.

(D) Any owner causing or allowing an animal to run at large, be herded, or picketed on the streets or alleys of the city, or causing or allowing an animal to trespass upon the premises of another in the city, shall be deemed guilty of a misdemeanor, punishable as provided in this chapter, to which shall be added any damages done by such animal and the costs of impounding and keeping such animal, if any.

(Prior Code, § 8.04.010) (Ord. 1, passed 1-17-1980; Ord. 124, passed 8-4-2004)

§ 8.04.020 STRAY ANIMALS A NUISANCE.

(A) Any stray animal running at large within the city is declared to be a nuisance, and any such stray animal may be seized and impounded. For the purpose of this section, STRAY means and includes any animal appearing or remaining in a neighborhood or any public place without an apparent home.

(B) Dogs must be licensed, impounded, redeemed and/or destroyed and the like as provided in Chapter 8.02.

(C) Other animals found running at large, herded or picketed on the streets or alleys of the city, or otherwise in violation of this chapter, may be impounded by the city animal control designee or by a state, federal or local peace officer.

(Prior Code, § 8.04.020) (Ord. 1, passed 1-17-1980; Ord. 124, passed 8-4-2004; Ord. 2019-8, passed 8-19-2019)

§ 8.04.030 NOTICE OF IMPOUNDING.

Upon the seizing and impounding of any animal, the city animal control designee shall give notice of such impounding in substantially the following manner.

(A) If the animal is wearing a license tag, or if the identity of the owner is known or can readily be determined by the city animal control designee, then, when reasonably practicable after the animal is impounded, the city animal control designee shall notify the owner that the animal has been impounded and may be redeemed as provided by this chapter.

(B) If the owner is known by the animal control designee, but cannot be notified as above, or if the owner has been notified and does not appear to redeem the animal within 24 hours of the time of notice, the animal control designee may send, by certified and regular mail, a notice in substantially the following form: NOTICE OF IMPOUNDING

DATE:

To: Whom It May Concern:

Date of Impounding:

Time of Impounding:

The City of Deer Lodge has this day seized and impounded in the City Animal Shelter an animal described as follows:

Dog () Cat () Other ()

Sex Color

Breed Approximate Age

Other Identification

Name of Owner

Notice is hereby given that unless said animal is claimed and redeemed on or before ___ o'clock __.M. on the ___ day of _____ 20___, the animal will be sold, adopted or destroyed as provided by ordinance.

Authority and procedure for impounded animals is defined in the Deer Lodge City Code, Title 8: Animals.

Signed:

Animal Control Designee

(C) If the owner cannot be readily identified, then the animal control designee shall post the above "Notice of Impounding" at City Hall, 300 Main Street, Deer Lodge, Montana, in a conspicuous location.

(D) Impounding information may also be available at the County Sheriff's Office, 313 Fourth Street, Deer Lodge, Montana.

(Prior Code, § 8.04.030) (Ord. 1, passed 1-17-1980; Ord. 124, passed 8-4-2004; Ord. 2019-8, passed 8-19-2019)

§ 8.04.040 REDEMPTION OF IMPOUNDED ANIMAL.

(A) It is declared the duty of every owner of any dog or other animal to know its whereabouts at all times.

(B) Unless this chapter requires impounding for a longer period of time, any person appearing and claiming any animal taken for violation of this chapter and proving ownership to the satisfaction of the city, may claim and redeem the impounded animal by payment to the city at the city hall, or at the animal shelter to an animal control designee, of an impounding fee and a boarding fee for each calendar day. Each fee shall be set by the city via resolution.

(C) The animal will not be released until payment is made.

(Prior Code, § 8.04.040) (Ord. 1, passed 1-17-1980; Ord. 124, passed 8-4-2004; Ord. 2019-8, passed 8-19-2019)

§ 8.04.044 DISPOSITION OF UNCLAIMED ANIMALS.

(A) An animal that is not claimed and redeemed by its owner within ten days may, at the animal control designee's discretion, be placed up for adoption, sold, or humanely disposed of.

(B) For purposes of determining whether the ten days has expired, the following methods shall be used:

(1) If the owner has been notified by telephone, time begins when telephone contact was made with the owner by the animal control designee;

(2) If the owner is mailed notice by certified and regular mail, time begins on the third day after the notice was mailed; or

(3) If notice was posted because the owner of the animal could not be readily determined by the animal control designee, time begins when the notice was posted at deer lodge city hall and optionally made available at the County Sheriff's office in a conspicuous location.

(Prior Code, § 8.04.044) (Ord. 1, passed 1-17-1980; Ord. 124, passed 8-4-2004; Ord. 2019-8, passed 8-19-2019)

§ 8.04.050 WARNING NOTICES.

The animal control designee may deliver or send a warning notice to an animal owner when there has been a complaint about the animal or there exists a possible or potential

violation of this chapter. The notice may identify the complaint or problem and expected solution.

(Prior Code, § 8.04.050) (Ord. 1, passed 1-17-1980; Ord. 124, passed 8-4-2004; Ord. 2019-8, passed 8-19-2019)

§ 8.04.054 VIOLATION TICKETS.

Violation tickets may be issued by the animal control designee or any law enforcement officer.

(Prior Code, § 8.04.054) (Ord. 1, passed 1-17-1980; Ord. 124, passed 8-4-2004; Ord. 2019-8, passed 8-19-2019)

§ 8.04.060 OBSTRUCTING ANIMAL CONTROL DESIGNEE OR SHELTER ATTENDANT IN PERFORMANCE OF DUTY.

Any person who shall obstruct or attempt to recover from the animal control designee or other person engaged in driving to the animal shelter, or any other location, any animal liable to be impounded, or who shall break open or attempt to break open or assist or encourage others to break open the city (pound) animal shelter or shall in any other way attempt to remove any animal there from unlawfully, shall be deemed guilty of a misdemeanor and upon conviction, may be fined as provided in this chapter.

(Prior Code, § 8.04.060) (Ord. 1, passed 1-17-1980; Ord. 124, passed 8-4-2004; Ord. 2019-8, passed 8-19-2019)

§ 8.04.070 ANIMAL CONTROL DESIGNEE OR SHELTER ATTENDANT TO CARE FOR ANIMALS.

It shall be the duty of the animal control designee or shelter attendant to see that every impounded animal has sufficient and proper food and water; also shelter and other care when needed.

(Prior Code, § 8.04.070) (Ord. 1, passed 1-17-1980; Ord. 124, passed 8-4-2004; Ord. 2019-8, passed 8-19-2019)

§ 8.04.080 IMPOUNDMENT FEES.

There shall be charged an impounding fee and a daily boarding fee for each calendar day the animal is impounded, with such fees to be set periodically by the City Council and collected by the City Clerk, animal control designee or shelter attendant for the city. For purposes of this section, each calendar day begins at midnight and daily boarding fees will

not be apportioned. Impounded animals may be placed in foster care at the city's discretion.

(Prior Code, § 8.04.080) (Ord. 1, passed 1-17-1980; Ord. 124, passed 8-4-2004; Ord. 2019-8, passed 8-19-2019)

§ 8.04.090 UNLAWFUL RELEASING OF ANIMALS.

If any person shall willfully open any gate or break, destroy or tear down any gate or fence, thereby turning loose any animal, that person shall be deemed guilty of a misdemeanor.

(Prior Code, § 8.04.090) (Ord. 1, passed 1-17-1980; Ord. 124, passed 8-4-2004)

§ 8.04.095 WILD ANIMALS.

No person shall keep or maintain a wild animal within the city limits. Any person violating the provisions of this section shall be guilty of a misdemeanor.

(Prior Code, § 8.04.095) (Ord. 1, passed 1-17-1980; Ord. 124, passed 8-4-2004)

§ 8.04.100 ANIMALS DISTURBING THE PEACE.

It is unlawful for any person owning an animal to allow or permit that animal to be a nuisance and annoy, injure, or endanger safety, health, comfort or repose of others. Any person violating the provisions of this section shall be guilty of a misdemeanor.

(Prior Code, § 8.04.100) (Ord. 1, passed 1-17-1980; Ord. 124, passed 8-4-2004)

§ 8.04.110 VIOLATIONS; PENALTY.

Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punishable as provided in § 1.08.010 of this code.

(Prior Code, § 8.04.110) (Ord. 1, passed 1-17-1980; Ord. 124, passed 8-4-2004; Ord. 2019-8, passed 8-19-2019)